

**MORGAN HILL UNIFIED SCHOOL DISTRICT  
REGULAR BOARD OF EDUCATION MINUTES**

April 20, 2021, 6:00 PM  
Closed Session, 4:00 PM  
ZOOM

**Attendance Taken at 4:03 PM:**

Present:

Adam Escoto  
Carol Gittens  
John Horner  
Ivan Montes  
Heather Orosco  
Mary Patterson  
Wendy Sullivan

**A. CALL TO ORDER**

**A.1. PUBLIC COMMENT ON CLOSED SESSION TOPICS**

**A.2. ADJOURN TO CLOSED SESSION**

**A.3. PUPIL PERSONNEL - Student discipline Education Code 48918 (c)(K-12)**

**A.4. LIABILITY CLAIMS - Governmental Code Section 54956.95**

**A.5. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9: three cases**

**A.6. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to subdivision (a) of Government Code 54956.9**

**A.6.a. EL 17/18-001 v. Morgan Hill Unified School District Case No. 17CV319128**

**A.6.b. EL 20/21-001 vs Morgan Hill Unified School District Case No 20CV369396**

**A.7. CONFERENCE WITH LABOR NEGOTIATOR (Government Code 54957.6) Morgan Hill Classified Employees Association (MHCEA) and Morgan Hill Federation of Teachers (MHFT), Designated representative: Fawn Myers / Morgan Hill Educational Leaders Association (MHELA), Unrepresented employees, Designated representative: Steve Betando**

**A.8. CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Government Code 54956.8)**

**A.9. PUBLIC EMPLOYEE-DISCIPLINE / DISMISSAL / RELEASE / REASSIGNMENT / COMPLAINT (Government Code 54957 and 54957.1)**

**A.10. PUBLIC EMPLOYEE APPOINTMENT (Government Code 54957)**

**A.11. RECONVENE TO PUBLIC SESSION**

**B. CALL TO ORDER / PLEDGE OF ALLEGIANCE**

*President Sullivan called the meeting to order at 6:00PM and Trustee Horner led the Pledge of Allegiance*

### **C. INTRODUCTION OF BOARD MEMBERS AND STAFF**

*Board Members and Staff introduced themselves*

### **D. RECOGNITIONS / PRESENTATIONS**

### **E. ADOPTION OF AGENDA**

**Motion Passed:** To table item J.3 to a future meeting and allow for flexibility to move item J.7 around in the agenda order passed with a motion by John Horner and a second by Adam Escoto.

Yes Adam Escoto  
Yes Carol Gittens  
Yes John Horner  
Yes Ivan Montes  
Yes Heather Orosco  
Yes Mary Patterson  
Yes Wendy Sullivan

Student Board Representative Preferential Vote

Yes Kylie Sullivan

### **F. APPROVAL OF CONSENT CALENDAR**

**Motion Passed:** Passed with an amendment to the meeting minutes of March 2, 2021 with a motion by John Horner and a second by Carol Gittens.

Yes Adam Escoto  
Yes Carol Gittens  
Yes John Horner  
Yes Ivan Montes  
Yes Heather Orosco  
Yes Mary Patterson  
Yes Wendy Sullivan

Student Board Representative Preferential Vote

Yes Kylie Sullivan

### **G. PUBLIC COMMENT / COMMUNICATIONS**

*The following individuals addressed the Board:*

Brian Gurney, Parent, addressed the Board regarding a hardship GPA exemption for athletics.

Amy Smith, Parent, addressed the Board regarding the Jackson Academy of Math and Music in-person schedule and the schedule for 2021-22 school year.

### **H. COMMUNICATIONS**

#### **H.1. Closed Session Action Report (Government Code 54957.1)**

#### **H.2. Report: Student Board Member**

Student Board Representative Sullivan, shared a slide presentation with the Board with updates from school sites.

[210420 SBR](#)

### **H.3. Reports: Superintendent / Staff**

Superintendent Betando, addressed the recent announcement of the court decision in the George Floyd case and recognized employees for their contributions to the National Bilingual/Multilingual Learner Advocacy Showcase.

Assistant Superintendent Myers, announced Jackie Schaefer as the new Bond Program Director.

### **H.4. Reports: Employee Groups: Morgan Hill Classified Employee Association / Morgan Hill Federation of Teachers / Morgan Hill Educational Leaders Association**

Cheryl Van Deventer, Morgan Hill Classified Employee Association Vice President, announced the recipients of the MHCEA student scholarships.

Jim Levis, Morgan Hill Federation of Teachers President, reported on the return to in-person instruction; provided a vaccination updated of MHFT members; addressed technology issues and class schedules; updated on negotiation efforts; reported on site activities and expressed disappointment for the SRO item pulled off the evening's agenda.

Patrick Buchser, Morgan Hill Educational Leaders Association, acknowledged staff for their efforts to return to in-person instruction, thanked the mentor teachers for their support; participated in a differentiated support SCCOE training; acknowledged Administrative Assistants Day; recognized Victoria Knutson for her new role and appreciation for her contributions with our District; congratulated Jackie Schaefer in her new role and acknowledged a student from JAMM for participating in the Project Cornerstone Youth Student panel.

### **H.5. Reports: Board Members**

Trustee Montes, recognized community and staff for efforts with the return to in-person instruction; attended a DELAC meeting and All Students Thrive meeting; congratulated Victoria Knutson in her next role and acknowledged Administrative Assistant Day.

Trustee Patterson, applauded the efforts of those who assisted with the return of in-person instruction; acknowledged Student Board Representative for her Student Board report and reminded the community of Earth Day.

Trustee Escoto, acknowledged a public comment made by a parent; acknowledged opening comments made by Superintendent Betando for his thoughts on the recent George Floyd decision; recognized Student Board Representative for her report; participated in the Superintendent Search process; congratulated staff who will be promoting to new roles and acknowledged MHCEA for their scholarship efforts.

Trustee Sullivan, attended a redistricting meeting and shared updates; participated in the Chamber of Commerce Education meeting; attended in the City / School Liaison meeting; reported on a potential RV Park ordinance and the effect on the District and how new housing developments will impact our schools.

### **H.6. Calendar: Upcoming events**

President Sullivan read aloud the calendar of upcoming events

## **I. CONSENT ITEMS**

### **I.1. BUSINESS SERVICES**

#### **I.1.a. Approve declaration of obsolete and disposal and sale of surplus equipment**

## **I.2. EDUCATIONAL SERVICES**

**I.2.a. Ratify Memorandum of Understanding with the Santa Clara County Office of Education to provide Community School Services**

**I.2.b. 3rd Quarterly Report 2020-2021 on Williams Uniform Complaints, January 1, 2021 March 31, 2021, for the Morgan Hill Unified School District**

**I.2.c. Adopt Exercise Science as a capstone course and designate Sports Medicine as a concentrator course available to grades 9-12**

## **I.3. HUMAN RESOURCES**

**I.3.a. Approve personnel action to employ, re-employ, promote, reassign, accept resignation, accept retirement, and authorize related compensation**

**I.3.b. Adopt resolution declaring May 7, 2021 "School Lunch Hero Day"**

**I.3.c. Adopt resolution declaring May 12, 2021 "National School Nurse Day"**

**I.3.d. Adopt resolution declaring May 12, 2021 "California Day of the Teacher"**

**I.3.e. Adopt resolution declaring May 16-22, 2021 "Classified School Employee Week"**

## **I.4. SUPERINTENDENT**

**I.4.a. Approve the minutes from the Regular Board meeting of March 2, 2021**

**I.4.b. Approve the minutes from the Special Board meeting of January 12, 2021**

## **J. GENERAL BUSINESS - PUBLIC SESSION ITEMS FOR BOARD DISCUSSION**

**J.1. Public hearing to ratify tentative agreement between the Morgan Hill Unified School District and the Morgan Hill Classified Employees Association effective July 1, 2021 June 30, 2024**

*Assistant Superintendent Myers introduced the Public Hearing/Action item: The Morgan Hill Unified School District (District) and the Morgan Hill Classified Employees Association (MHCEA) entered into negotiations in March 2021 over articles of interest to both parties. On April 1, 2021, the parties reached tentative agreement.*

*The following individual addressed the Board:*

*Danielle Nunes, MHCEA President, addressed the Board regarding her appreciation for all parties who participated in the MHCEA negotiation efforts.*

*Public Comment Open: 7:13 PM*

*Public Comment: No additional public comments*

*Public Comment Closed: 7:13 PM*

**Motion Passed:** After public hearing, ratify agreement passed with a motion by Ivan Montes and a second by Mary Patterson.

**Yes** Adam Escoto

**Yes** Carol Gittens

**Yes** John Horner

**Yes** Ivan Montes

**Yes** Heather Orosco

Yes Mary Patterson  
Yes Wendy Sullivan

Student Board Representative Preferential Vote

Yes Kylie Sullivan

## **J.2. Update on reopening**

*The following individual addressed the Board:*

*Jennifer Benson, Parent, addressed the Board with appreciation for the increased number of instructional minutes at Jackson Academy of Math and Music and emphasized the need of a full day return.*

*Aimee Brown, Parent, addressed the Board regarding concerns with the number of in-person instructional minutes for middle school students at Jackson Academy of Math and Music.*

*Maggie Cockayne, Parent, addressed the Board in support of a full return of in-person instruction in the fall.*

*Staff provided an update on the April 12, 2021 school reopening sharing a slide presentation.*

### [210420 Program Plan Presentation](#)

*Board discussions included in-person mental health supports, summer school in-person activity and support options, current schedules and increased in-person time, COVID testing at sites for staff and athletes, 2021-22 school year instructional options, ninth grade summer connection program and student board member input to the return of in-person instruction.*

## **J.3. Approve renewal of agreement with the City of Morgan Hill for School Resource Officer (SRO) services**

*This item was tabled to a future meeting*

## **J.4. Measure G Citizens' Oversight Committee annual report 2019-20 (LCAP Goal 2)**

*Larry Fleishman, Citizens' Oversight Committee Member reported an annual report of its findings. The Committee has met throughout the year, receiving updates from District Staff regarding District facilities activities. The Committee has reviewed specifically the expenditures from Measure G to ensure that they are consistent with and in compliance with the Measure G ballot language. Additionally, the Committee has received regular project updates for the work scheduled through the program.*

*Board discussions included interest in future site visits and announcement of vacancies on the Citizens' Oversight Committee.*

## **J.5. Approve donation agreement with Louis Latronica**

*Superintendent Betando presented the Board with an overview of a donation from Louis Latronica, a community member and resident of Morgan Hill. Mr. Latronic has amassed a vast collection of natural science artifacts. He is also a talented artist who has merged his craft with the artifacts he has collected. Mr. Latronica would like to donate hundreds of items to Morgan Hill Unified School District to preserve the curiosity and inspire the natural creativity of students for years to come. In consideration of different types of artifacts, the District is thrilled to start work on a natural science resource and art center where Staff plans to properly place, care for, and use the items for educational purposes. There is no more ideal place than the San Martin/Gwinn Environmental Sciences Academy, converting the former Superintendent's House into a display area.*

#### 210420 Donation Presentation

**Motion Passed:** Approve as submitted passed with a motion by Ivan Montes and a second by John Horner.

Yes Adam Escoto  
Yes Carol Gittens  
Yes John Horner  
Yes Ivan Montes  
Yes Heather Orosco  
Yes Mary Patterson  
Yes Wendy Sullivan

Student Board Representative Preferential Vote

Yes Kylie Sullivan

#### **J.6. Review District demographic study**

*Ken Reynolds, President and Brett Merrick, Vice President of School Works, Inc. presented an updated demographic study which provides a comprehensive enrollment analysis for the District. The district-wide and school-specific enrollment projections are meant to serve as a planning tool to help with both long and short-term planning.*

*Board discussions included housing control, tracking by housing type, CSMH and demographic study, impact of schools on each other, classroom counts and loading factors.*

#### **J.7. Charter School of Morgan Hill (CSMH) Prop 51 Facilities Request**

*The following individuals addressed the Board in support of the Charter School Morgan Hill options requested:*

*Susan Pfefferlen, Charter School Morgan Hill Principal*

*Lesley Miramontes, Charter School Morgan Hill Community Member*

*Claude Solanas, Charter School Morgan Hill Community Member*

*Jaime Tompkins, Charter School Morgan Hill Community Member*

*Vance Mendonca, Charter School Morgan Hill Community Member*

*On March 31, 2017 Charter School of Morgan Hill (CSMH or Charter) notified the District of its intent to seek a preliminary application for Proposition 51 funds for the rehabilitation of the Encinal campus with a 50% grant / 50% loan. On May 16, 2017, against Staff recommendation, the Board of Trustees approved to "support the Charter School of Morgan Hill's application for Proposition 51 funding with the Office of Public School Construction". The approval of the application did not require approval of a specific project area; however, the Agreement for the Rehabilitation of the Encinal Campus approved at the May 16, 2017 Board Meeting contains a provision stating that: "Prior to the execution of any agreement with a contractor or developer with regard to the Site (Development Agreement), and prior to the execution of any Use Agreement, Charter School shall provide to the District for its review and acceptance, in its sole and absolute discretion, the scope and detail of the Project and evidence that Charter School has sufficient funds to commence and complete the Project " On February 28, 2018 the State Allocation Board took action to provide a \$13,799,424 (50% grant and 50% loan) preliminary apportionment to CSMH. The Facilities Use Agreement with CSMH approved at the Board's January 16, 2019 Board Meeting, which was required for CSMH to access funding, identified two potential project areas. The Facilities Use Agreement also contemplated that CSMH may seek to improve other portions of the site if funding was available and the District consented to encumbering those areas under Proposition 51, "The Parties acknowledge that Charter School may also elect, if it has sufficient funding, to perform improvements to other portions of the Site*

*(Additional Prop 51 Project Improvements). If Charter School does elect to perform, and District approves, the Additional Prop 51 Project Improvements, the Parties agree to amend this Agreement to define the Prop 51 Project Perimeter to include the portion of the Site where the Additional Prop 51 Project Improvements are located."*

*The District and CSMH began meeting in August 2020 so that the District could give input on the project as CSMH was in the design phase. In early 2021, CSMH shared that in order to qualify for its full CSFP allocation all of the buildings on the campus (with the exception of the gym, one classroom, and one restroom building) would need to be encumbered under the Proposition 51 project area. While we acknowledge the District and CSMH have different recollections, it is the District's position that initial project application was further refined into the smaller project perimeter included in the January 2019 Facilities Use Agreement.*

*Paige Cisewski, Executive Director Charter School of Morgan Hill requested a Board agenda item on the topic of the Proposition 51 project perimeter. In accordance with BB 9322 the District agendized this topic for discussion and potential action.*

*CSMH has requested the Board consider two options:*

*1. The District and CSMH would agree that the Prop. 51 buildings identified in the attached map represent the Prop. 51 Project Perimeter for purposes of the facilities use agreement. This would allow CSMH to access its entire CSFP grant of \$14 million and provide a broad swath of upgrades to the permanent classrooms on campus in addition to new construction of classrooms and office buildings.*

*2. CSMH would just construct the two new buildings using Prop. 51 dollars, and the District would provide CSMH with funds either from its own bond or other sources in the amount CSMH would have generated in bond and matching loan monies to fund upgrades to the permanent classroom buildings (currently estimated to be \$5 million), whereby those classrooms would remain under Proposition 39.*

*CSMH further proposes that under either option, CSMH and the District would enter into a single facility use agreement that would define both the Prop. 51 and the Prop. 39 facilities (as well as those facilities owned by CSMH), and provide CSMH with use of the entire site for the term of the current FUA, with an attendant Prop. 39 waiver while it occupies the Prop. 39 facilities. The site would be maintained at CSMH's sole cost and expense, and no further fee would be charged. If CSMH's enrollment at CBEDS drops below 450 in any given year, in the following year the District would be entitled to reclaim a number of classrooms for its use for that year which is the number of enrolled students below 450 divided by 25. For example, if CSMH's enrollment is 300 in one year, in the next year, the District could reclaim 150/25, or 6 classrooms.*

#### *District Position*

*Sites improved with Proposition 51 funding are encumbered potentially in perpetuity. (Education Code section 17078.57 ([t]he District holds title to the site "in trust for the benefit of the state public school system.")) CSMH would have first priority over the site until "no longer needed for charter school purposes." Then, a "qualifying successor charter school" would have priority use of the site. Only when no qualifying successor charter school needed to use the site, the District could use the site for District programs, as long as it assumed the Charter School's matching share of payments to the State.*

*From an operations perspective, Option 1, which is proposed by CSMH, would essentially take away control of one entire district property of the District's school site inventory for an indefinite period of time. This harms the District by hindering the Board's ability to adjust to student population changes and/or programmatic changes or to surplus property in order to support other facility or financial needs. The site would also be unavailable to meet the District's obligations under Proposition 39 to any other eligible charter school operating in the District. Although the District's school site would be improved at no cost to the District, the District's ability to use the site for its own programs, or to meet legal obligations to charter schools, would be restricted.*

*Moreover, although CSMH has proposed language which would allow the District to recover*

*classrooms if enrollment at CSMH declines, the District does not believe that an agreement between the District and CSMH can curtail the rights of an unidentified future successor charter school. Therefore, any agreement between the District and CSMH cannot protect the District against the legal ramifications of the potential long-term encumbrances on the site imposed by Proposition 51.*

*With Option 2, there is no legal requirement that the District subsidize CSMH's Proposition 51 project. Projects under Series C of Measure G, the District's 2012 bond measure, have already been identified, with planning already underway. Re-scoping current deferred maintenance and fire/life-safety projects to subsidize CSMH's project would come at the expense of the District's long-term infrastructure needs.*

*Conclusion:*

*Staff recommends that the Board maintain the initial project areas identified in the January 2019 Facilities Use Agreement. Minor modifications necessary to accommodate the footprint of the classroom building may be acceptable, but encumbering nearly all the classroom buildings under Proposition 51 is not recommended given the long-term facilities implications.*

*Additionally, Staff has already indicated that the minor improvements to the permanent buildings (paint, carpet) contemplated in the current project plan could be incorporated into the District's maintenance plan and be completed over the next several years.*

*Board discussions included support for option one, prop 51 challenges, future bond, changing facility needs, additional options aside from 1 and 2, equity and access to CSMH.*

*Trustee Patterson requested delaying this agenda item for additional staff review.*

**Motion Passed:** To approve CSMH option one passed with a motion by John Horner and a second by Heather Orosco.

Yes Adam Escoto  
No Carol Gittens  
Yes John Horner  
No Ivan Montes  
Yes Heather Orosco  
No Mary Patterson  
Yes Wendy Sullivan

Student Board Representative Preferential Vote

Yes Kylie Sullivan

The Board paused to extend the meeting until 11:30 PM

**Motion Passed:** Passed with a motion by Adam Escoto and a second by John Horner.

Yes Adam Escoto  
No Carol Gittens  
Yes John Horner  
No Ivan Montes  
Yes Heather Orosco  
No Mary Patterson  
Yes Wendy Sullivan

Student Board Representative Preferential Vote

Yes Kylie Sullivan

## **J.8. Update on Superintendent Search Process**

*The District began its search for a qualified candidate to become its new superintendent of schools to start on July 1, 2021. At its December 15, 2020 Meeting, the Governing Board authorized a proposed*



*timeline for the search along with a Request for Proposal (RFP) process and document to seek services of an executive search firm or individual with experience in the recruitment and selection of superintendents. A Superintendent Search webpage is now linked to the District's website and can be accessed here: <https://www.mhusd.org/superintendent-search-2021>. As the process continues, new information will be added to the webpage.*

*President Sullivan shared the next steps in the superintendent interview process, including an advisory panel. President Sullivan stated the Board is on track with the timeline and slated to make a selection announcement mid-May.*

#### **J.9. Approve revised board objectives**

*Trustees Patterson and Gittens presented the refined draft of board objectives. For each objective, documentable evidence of achievement has been added.*

*Board discussions included modifications to 4a to include input from all stakeholder groups and agreed to these board objectives for the remainder of the year.*

#### **J.10. Run-off Delegate Assembly Vote**

*The Delegate Assembly Election Committee met on March 26, 2021 to count and certify the ballots for membership on the CSBA Delegate Assembly. Tie votes resulted in a run-off election in our Region.*

*The Board discussed the candidates and selected Van Le (Eastside Union HSD) and Andres Quintero (Alum Rock Union SD).*

**Motion Passed:** Passed with a motion by Adam Escoto and a second by Mary Patterson.

Yes Adam Escoto  
Yes Carol Gittens  
Yes John Horner  
Yes Ivan Montes  
Yes Heather Orosco  
Yes Mary Patterson  
Yes Wendy Sullivan

Student Board Representative Preferential Vote  
Abstain Kylie Sullivan

#### **J.11. New business: future agenda items / recognitions**

*Student Board Representative Sullivan requested a discussion on student board member selection process.*

*Trustee Montes recognized Student Board Representative Sullivan on her presentation and student perspective.*

*Trustee Orosco requested creating an Ad Hoc committee to discuss the student board representative role.*

*Trustee Horner requested a discussion on the hardship exemptions in light of COVID.*

*Trustee Horner requested an annual review of Board Bylaw 9124.*

*Trustee Horner requested a discussion on returning to in-person or hybrid Board meetings.*

*Trustee Patterson recognized Kelly Schriefer, Executive Assistant for juggling the Board meeting.*

*Trustee Sullivan recognized Louis Latronica for his generous donation to District.*

**K. PUPIL DISCIPLINE**

**L. ADJOURNMENT**

*The meeting was adjourned at 10:59 PM*

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Steve Betando, Superintendent